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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,524	04/07/2000	Seth Haberman	2000522.124-US1	9763

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EXAMINER	
BORISSOV, IGOR N	
ART UNIT	**PAPER NUMBER**
3628	

NOTIFICATION DATE	DELIVERY MODE
09/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/545,524	HABERMAN ET AL.	
	Examiner	Art Unit	
	Igor N. Borissov	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 06/29/2007 is acknowledged and entered. Claims 1, 9 and 12 have been amended. Claims 1 and 4-12 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of *35* U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 4-6 and 9-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanback, Jr. et al. (US 6,449,657) in view of Freeman et al. (US 5,861,881).

Stanback, Jr. et al. (Stanback) teaches a method and system for providing targeted advertisement over the Internet based on users demographic profiles, comprising:

Claims 1 and 9,

receiving at least one default advertisement example of a personalized advertisement from an advertiser, wherein said at least one default advertisement example is a completed personalized advertisement that includes inserted video segments and audio segments and that provides an intended message from said advertiser to said intended audience (Fig. 7; C. 12, L. 65 – C. 13, L. 2; C. 10, L. 5-40; C. 20, L. 60);

delineating general characteristics of members of intended audience and creating a set of target entity qualification data factors for use in database searches to acquire a list of entities to which a personalized message will be distributed (C. 12, L. 43-55);

creating an entity profile template including a substantially complete definition of information about each of said entities that is to be acquired by said database search (Fig. 10, item 1064; C. 19, L. 7-12; C. 22, L. 9-15);

using said entity profile template for generation of target entities profiles and status (C. 11, L. 11-16);

constructing an advertisement template based on the at least one default advertisement example that includes a plurality of media segment slots (C. 11, L. 17-22; C. 20, L. 51-53);

constructing an advertisement resource library (C. 20, L. 51-53), wherein said constructed template includes a plurality of selectable media segment slots including audio and video codes, said audio and video segments are incomplete portions of a complete personalized advertisement (Fig. 7, items 736, 740; C. 16, L. 8-12, 29-31; C. 20, L. 51-53, 58-60), and wherein said advertisement library includes a plurality of media segments, each media segment corresponding to one of said media segment slots of said message template (C. 20, L. 51-53, 58-60); and

constructing said targeted advertisement by inserting one or more video segments from said advertisement library into said video slots and by inserting one or more audio segments form said advertisement library into said audio segment slots, wherein said one or more audio segments are selected using said entity profile template (C. 16, L. 8-38).

Stanback does not specifically teach that media segment slots are arranged in time sequence order.

Freeman et al. teaches a method and system for providing an interactive presentation with personalized video, audio and graphic media segments, wherein said segments are arranged in time sequence order (C. 3, L. 41-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanback to include that media segment slots are arranged in time sequence order, as disclosed in Freeman et al., because it would advantageously allow branching between a variety of inputs during the same interactive session including full-motion video, computer graphics, digital video overlays and audio by seamlessly integrating input from various media sources, such as CD-ROMs and laser disks, as specifically stated in Freeman et al.

Furthermore, because this is a case where the improvements are no more than the predictable use of prior art elements according to their established functions, no further analysis is required by the Examiner in respect to "motivation to combine". *KSR,* 127 S.Ct. at 1740, 82 USPQ2d at 1396.

Furthermore, Stanback teaches:

Claim 4. Said method, wherein several media segments correspond to a Same one of said media segment slots of said advertisement template (C. 13, L. 9-11).

Claim 5. Said method, wherein said advertisement library includes media segments created specifically for said message campaign (C. 20, L. 51-53, 58-60).

Claim 6. Said method, further comprising: defining a distribution channel selection, for distributing created personalized messages to target entities (e-mail) (C. 5, L. 6-9).

Claim 10. Said system, wherein a plurality of different message templates are constructed (C. 11, L. 17-22; *C. 20,* L. 51-53).

Claim Rejections - 35 USC § 103

The following is a quotation of *35* U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanbach, Jr. et al. in view of Freeman et al. and further in view of Chen et al. (US 6,857,024).

Claim 7. Stanbach and Freeman et al. teaches all the limitations of Claim 7, except specifically teaching defining interactive query responses for acquiring additional information about said target entity.

Chen et al. (Chen) teaches a method for generating consumer profiles and providing on-line targeted advertising to said consumers based on said generated consumer profiles, including determining whether the user has responded to the last question or provided all of the required information for generating a consumer profile. If additional information is required, the Internet device 14 prompts the consumer to enter additional responses (C. 10, L. 57-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach and Freeman et al. to include defining interactive query responses for acquiring additional information about said target entity, as disclosed in Chen, because it would advantageously allow to further delineate said general characteristics of said members of intended audience, thereby creating precise targeted advertisement.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a)' as being unpatentable over Stanbach, Jr. et al. in view of Freeman et al. and further in view of Gerace (U. S. 5,991,735).

As per **Claims 8 and 11,** Stanbach and Freeman et al. teaches all the limitations of Claims 8 and 11, including defining environmental status factors (targeting consumers in a particular geographic location, such as local movie theatre, C. 15, L.3-

5), except specifically teaching that said environmental status factors are updated at the time the personalized message is transmitted.

Gerace teaches a method and apparatus for delivering targeted advertisements based on psychographic and demographic profiles of appropriate audience, including displaying theater schedules including information regarding show times, where performing, length in time and location of theaters (environmental status factors), wherein when a user selects said advertisement, the up-to-date information is displayed (C. 2, L. 28-42; C. 4, L. 35-37; C. 10, L. 42-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach and Freeman et al. to include that at the time the personalized message is transmitted said environmental status factors information is up-to-date information, as disclosed in Gerace, because it would advantageously allow a user to select an appropriate theater based on user's preferences in time and the location of the show.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanbach, Jr. et al. in view of Freeman et al. further in view of Chen et al. and further in view of Gerace.

Claim 12. Stanbach and Freeman et al. teaches said method, comprising:

encoding at least one default advertisement example of a personalized advertisement (C. 12, L. 65 --C. 13, L. 2);

delineating general characteristics of members of intended audience and creating a set of target entity qualification data factors for use in database searches to acquire a list of entities to which a personalized message will be distributed (C. 12, L. 43-55);

creating an entity profile template including a substantially complete definition of information about each of said entities that is to be acquired by said database search (Fig. 10, item 1064; C. 19, L. 7-12; C. 22, L. 9-15);

using said entity profile template for generation of target entities profiles and status (C. 11, L. 11-16);

constructing a message template (C. 11, L. 17-22; C. 20, L. 51-53);

constructing an advertisement resource library (C. 20, L. 51-53);

defining a distribution channel selection (C. 5, L. 6-9);

defining delivery window specification (C. 10, L. 10);

constructing an advertisement template (C. 11, L. 17-22; C. 20, L. 51-53); constructing a message resource library (C. 20, L. 51-53),

wherein said constructed advertisement template includes a plurality of media segment slots including audio and video codes (Fig. 7, items 736, 740; C. 16, L. 8-12, 29-31);

wherein said advertisement library includes a plurality of media segments, each media segment corresponding to one of said media segment slots of said message template (C. 20, L. 51-53, 58-60); and

constructing said targeted advertisement by inserting one or more video segments from said advertisement library into said video slots and by inserting one or more audio segments form said advertisement library into said audio segment slots, wherein said one or more audio segments are selected using said entity profile template (C. 16, L. 8-38).

Stanbach and Freeman et al. does not specifically teach defining interactive query responses, for acquiring additional information about said target entity. Also, while Stanbach teaches defining environmental status factors (targeting consumers in a particular geographic location, such as local movie theatre, C. 15, L.3-5), Stanbach and Freeman et al. does not specifically teach that said environmental status factors are updated at the time the personalized message is transmitted.

Chen teaches said method for generating consumer profiles and providing on-line targeted advertising to said consumers based on said generated consumer profiles, including determining whether the user has responded to the last question or provided all of the required information for generating a consumer profile. If additional information is required, the Internet device 14 prompts the consumer to

enter additional responses (C. 10, L. 57-64).

Gerace teaches a method and apparatus for delivering targeted advertisements based on psychographic and demographic profiles of appropriate audience, including displaying theater schedules including information regarding show times, where performing, length in time and location of theaters (environmental status factors), wherein when a user selects said advertisement, the up-to-date information is displayed (C. 2, L. 28-42; C. 4, L. 35-37; C. 10, L. 42-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach and Freeman et al. to include defining interactive query responses for acquiring additional information about said target entity, as disclosed in Chen, because it would advantageously allow to further delineate said general characteristics of said members of intended audience, thereby creating precise targeted advertisement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach, Freeman et al. and Chen to include that at the time the personalized message is transmitted said environmental status factors information is up-to-date information, as disclosed in Gerace, because it would advantageously allow a user to select an appropriate theater based on user's preferences in time and the location of the show.

Response to Arguments

Applicant's arguments filed 06/29/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose that the "audio and video segments are incomplete portions of a complete personalized advertisement.", it is noted that Stanbach explicitly teaches that the body of the message/personalized advertizement includes various media segments, including audio and video segments (See the discussion above). Accordingly, each portion/media

segment of said personalized advertisement is an incomplete portion of the complete personalized advertisement.

In response to applicant's argument that the prior art fails to disclose that said plurality of media segment slots are arranged in time sequence order", it is noted that Freeman et al. was applied for this feature (See the discussion above).

In response to applicant's argument that the prior art fails to disclose "the default advertisement example", it is noted that Stanbach teaches said feature (See: Fig. 7; C. 12, L. 65 – C. 13, L. 2; C. 10, L. 5-40; C. 20, L. 60; and the discussion above).

The remaining applicant's arguments essentially repeat the arguments presented above; therefore, the responses presented by the examiner above are equally applicable to the remaining applicant's arguments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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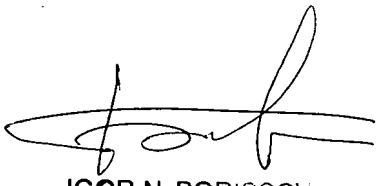

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